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PATENT APPLICATION  
Docket No.: 2173.1004-002  
PATENT & TRADEMARK OFFICE  
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2005 OCT 18 PM 4:18

Applicants: LeNoir E. Zaiser and Kevin Confoy  
Application No.: 10/715,304 Group: 3743  
Filed: November 17, 2003 Examiner: Teena Kay Mitchell  
Confirmation No.: 5230  
For: OXYGEN FLOW REGULATOR

US PATENT & TRADEMARK  
OFFICE

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<u>10-13-05</u>	<u>Mary J. Dawson</u>
Date	Signature
<u>Mary J. Dawson</u>	
Typed or printed name of person signing certificate	

REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On November 30, 2004, an Information Disclosure Statement was filed in the U.S. Patent and Trademark Office. On December 3, 2004 the Applicants' Attorney received an Office Action mailed by the Patent Office on December 1, 2004. The IDS was therefore filed before the mailing date of a first Office Action.

10/715,304

Copies of the following are enclosed:

1. Information Disclosure Statement showing the Certificate of Mailing of November 30, 2004;
2. Cover page of the first Office Action mailed by the USPTO on December 1, 2004; and
3. The postcard stamped by the USPTO acknowledging receipt of the Information Disclosure Statement showing Applicants' mailing date of November 30, 2004.

Applicants' Attorney is in receipt of a Monthly Statement of Deposit dated July 29, 2005, indicating that the Patent Office charged Deposit Account No. 08-0380 \$180.00 for Submission of an IDS for U.S. Application No. 10/715,304 (Attorney's Docket No. 2173.1004-002), Date Posted July 11, 2005.

Because the IDS was filed before the mailing date of the First Office Action, Applicants' Attorney respectfully requests that the Patent Office credit Deposit Account No. 08-0380 in the amount of \$180.00. A redacted copy of the Monthly Statement Deposit Account dated July 29, 2005 is also enclosed. In addition, a duplicate of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

Rodney D. Johnson

Registration No.: 36,558

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

October 13, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LeNoir E. Zaiser and Kevin Confoy  
Application No.: 10/715,304 Group Art Unit: 3761  
Filed: November 17, 2003 Examiner: To be assigned  
Confirmation No.: 5230  
Title: OXYGEN FLOW REGULATOR

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Date Nov. 30 2004	Signature Patricia L. Hillery
Typed or printed name of person signing certificate Patricia L. Hillery	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and:
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application file wrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
  - ☐ Copies of the cited references are enclosed.
  - ☒ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
  - ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
  - ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
  - ☐ The "concise explanation" requirement (non-English references) for reference(s) [ ] under 37 CFR 1.98(a)(3) is satisfied by:
    - ☐ the explanation provided on the attached sheet.
    - ☐ the explanation provided in the Specification.
    - ☐ submission of the enclosed International Search Report.
    - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
    - ☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_  
Examiner

\_\_\_\_\_  
Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed, except any application filed on or after June 30, 2003, which has been scanned into the PTO's Image File Wrapper (IFW) system and is available to the examiner.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

  
Darrell L. Wong

Registration No.: 36,725

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 11/30/2004



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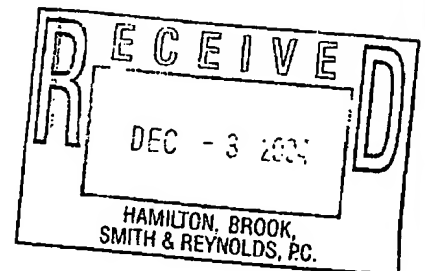
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,304	11/17/2003	LeNoir E. Zaiser	2173.1004-002	5230
21003	7590	12/01/2004	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			MITCHELL, TEENA KAY	
			ART UNIT	PAPER NUMBER
			3743	

DOCKETED

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



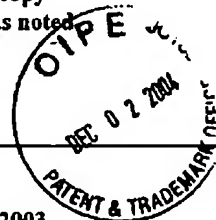
Initials: DLW/ets (plb)

Docket No.: 2173.1004-002

Date: November 30, 2004

This is to acknowledge receipt of the following documents each filed under Certificate of Mailing Procedure 37 C.F.R. 1.8:

☒ INFORMATION DISCLOSURE STATEMENT ☐ w/copy  
☒ Form PTO-1449 pp 1 ☐ with references as noted  
☐ Check for \$ \_\_\_\_\_  
☐ Authorization to Charge all Fees  
☐ Copy of International Search Report  
☐ Other \_\_\_\_\_



Applicant: LeNoir E. Zaiser *et al.*

Application No.: 10/715,304

Filed: November 17, 2003

Title: OXYGEN FLOW REGULATOR

Date received by the PTO:

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HAMILTON BROOK SMITH & REYNOLDS  
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530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD MA 01742-9133

FINA

Account No.	080380
Date	7-29-05
Page	1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **LeNoir E. Zaiser and Kevin Confoy**

Application No.: **10/715,304**

Group Art Unit: **3761**

Filed: **November 17, 2003**

Examiner: **To be assigned**

Confirmation No.: **5230**

Title: **OXYGEN FLOW REGULATOR**

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Date: <u>Nov. 30 2004</u>	Signature: <u>Patricia L. Hillery</u>
Typed or printed name of person signing certificate: <u>Patricia L. Hillery</u>	

**INFORMATION DISCLOSURE STATEMENT**

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- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
  - ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
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7/11/2003 HMASSEY 37 CFR 1.97(i): 10715304

1 FC:1806 ~~180.00 fee~~  
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(Filed after payment of issue fee)

Adjustment date: 12/01/2005 SDENBOX1  
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01 FC:1806 180.00 CR

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